

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMMED ZAFARANCHI,

,

Defendants.

NO. CR22-122JCC

**[PROPOSED]
STIPULATED ORDER CONTINUING
TRIAL DATE**

This matter came before the Court on defendant Zafaranchi's Motion to Continue Trial Date. The government does not oppose the motion. The parties have stipulated to the scheduling order set out below. The Court finds and rules as follows:

1. Defendant is charged with conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349, wire fraud in violation of 18 U.S.C. § 1343, money laundering in violation of 18 U.S.C. § 1956, and destruction of records in a federal investigation in violation of 18 U.S.C. § 1519. The Indictment alleges that defendant and his co-conspirators promised homeowners that, in return for a fee of approximately \$3,000, certain call centers would negotiate a mortgage modification that would substantially reduce their mortgage principal, interest rate, and monthly payment. The Indictment alleges that Mr. Zafaranchi employed various misrepresentations and other deceptive

1 tactics to persuade homeowners to pay the fee. The Indictment further alleges that, while
2 the processing center employees made some efforts on the homeowners' behalves, and
3 sometimes obtained modifications, the group was rarely, if ever, able to negotiate
4 modifications on terms as favorable as those promised in the mailers and by the call
5 center operators.

6 2. Discovery is voluminous. The government has produced approximately
7 350,000 pages of records. Because the charges arise out of representations allegedly
8 made to thousands of homeowners, review of the discovery and investigation of the
9 underlying facts is taking substantial time and resources. In addition, new circumstances
10 in the case, including the guilty plea of a co-defendant, require additional time for trial
11 preparation.

12 3. The defendant and his counsel represent that they require additional time to
13 review and analyze the government's discovery production and to conduct their factual
14 and legal investigation before they can prepare for trial. Defense counsel's time is
15 restricted by other obligations described in defendant's motion. Defendant and his
16 attorneys have indicated that the failure to grant a continuance of the requested length
17 would unreasonably deny the defense the reasonable time necessary for effective
18 preparation, taking into account the exercise of due diligence.

19 18 U.S.C. 18 § 3161(h)(7)(B)(iv). The Court agrees that counsel cannot reasonably be
20 expected to prepare for trial in the time allowed under the existing schedule, taking into
21 account the exercise of due diligence.

22 4. The COURT FINDS that the ends of justice will best be served by a
23 continuance and outweigh the best interests of the public and the defendant in a speedy
24 trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

25 5. The COURT FINDS that the failure to grant such a continuance in this case
26 would likely result in a miscarriage of justice because the government and the defendant
27

would be denied the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

6. The COURT FINDS pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the case is so unusual and complex, due to the nature of the prosecution and the volume of discovery, that it would be unreasonable to expect adequate preparation for trial within the time limits established by 18 U.S.C. § 3161 et seq.; and

7. The COURT FINDS that pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), the period of delay is reasonable.

Based on these findings it is ORDERED that the period of delay from the date of this order through February 18, 2025, is excludable time pursuant to Title 18, United States Code, Section 3161 et seq., for purposes of computation of the time limitations imposed by the Speedy Trial Act, Title 18, United States Code, Section 3161 through 3164. Trial of this matter is hereby continued to February 24, 2025.

The parties shall observe the following scheduling deadlines:

Event	Deadline
Expert disclosure for government's case-in-chief	Passed
Expert disclosure for defense's case-in-chief	Passed ¹
Pretrial motions filing date	Passed
Rebuttal expert disclosure deadline	Passed
Pretrial motions response date	8/13/2024
Pretrial motions reply date	8/20/2024
Pretrial motions noting date	8/20/2024
Government's exhibit list filing deadline	1/15/2025
Government's trial brief filing deadline	1/15/2025

¹ Defendant has requested leave to file an expert report following the disclosure deadline if the Court denies defendant's Motion to Strike Government's Expert. Dkt. 76 p.10.

Event	Deadline
Disclosure of government's witness list	1/15/2025
Government's proposed jury instructions filing date	1/15/2025
Defense exhibit list filing deadline	1/22/2025
Defense trial brief filing date	1/22/2025
Disclosure of defense witness list	1/22/2025
Defense proposed jury instructions	1/22/2025
Motions in limine filing date	1/31/2025
Motions in limine response date	2/7/2025
Government's supplemental proposed jury instructions	2/12/2025
Trial	2/24/2025

IT IS SO ORDERED.

DATED: July 30, 2024.



The Honorable John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:
Seth Wilkinson
SETH WILKINSON
Assistant United States Attorney